

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-12/09-652
)
 Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Health Access Eligibility Unit, terminating petitioner's coverage for Catamount Health Assistance Plan (CHAP) because her countable income exceeds the income limits for CHAP.

The facts are not in dispute. The decision is based upon the information provided by the parties.

FINDINGS OF FACT

1. The petitioner works full-time (forty hours per week). Her hourly pay is \$17.00 per hour. Her gross monthly wages are \$2,924.00.

2. The petitioner has multiple sclerosis. She is able to maintain employment because of her medical care including medications.

3. The petitioner is a household of one. The petitioner's son is a college student and is not considered

part of her household although she provides some help to her son.

4. On or about December 11, 2009, the Department sent petitioner a Notice of Decision that her CHAP benefits would close December 31, 2009 because her income exceeded 300 percent of the Federal Poverty Level (FPL). The Department determined that petitioner had countable income of \$2,834.00. The maximum eligibility limit for a household of one is \$2,718.00.

5. The petitioner appealed the CHAP closure in time to receive continuing benefits.

ORDER

The Department's decision is affirmed.

REASONS

The Vermont Legislature passed Act 191, An Act Relating to Health Care Affordability in 2006 that includes premium assistance for uninsured adult Vermonters who are not eligible for the Vermont Health Access Program (VHAP) and whose income is equal to or less than 300 percent of the Federal Poverty Level (FPL). W.A.M. §§ 5910 and 5913. Fair Hearing No. A-03/09-140.

The Vermont Legislature created a bright line by setting

the eligibility limit at 300 percent of the FPL. Although that limit may appear arbitrary, the Legislature had the authority to do so.

The Department has promulgated regulations that set out how income is calculated for CHAP eligibility that mirrors the VHAP regulations. W.A.M. § 5916.

As of the date of the Department's action and hearing, there is no dispute that the petitioner's countable income based on a forty hour workweek is \$2,834.00 (\$2,924.00 gross income less the \$90.00 standard employment deduction). This income is in excess of \$2,718.00, the maximum for eligibility under the CHAP program for a one person household. P-2420B. If petitioner's earnings decrease and fall below the program eligibility limits, the petitioner can reapply for benefits.

Based on the foregoing, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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